Eugene Osborne, Sr.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* Case No. 93-84-A

Petition for Zoning Variance filed by the legal owner of the subject property, Eugene Osborne, Sr. The Petitioner requests a variance from Section 1801.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a windowed building face to tract boundary setback of 10 feet in lieu of the minimum required 35 feet for proposed Lot 1, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Eugene F. and Jennye A.

Osborne, Sr., property owners, and Joseph Larson, with Spellman, Larson
and Associates. Appearing as Protestants in the matter were Milton R.

Lang, John E. Brady, and Rudolph Berg, nearby property owners.

Cainewood, consists of 0.83 acres, more or less, is split zoned D.R. 5.5 and D.R. 2 and is presently unimproved. Said property is located on South Hilltop Road near its intersection with Woodwind Road. The Petitioners are desirous of developing the property with a single family dwelling within the proposed building envelope shown on Petitioner's Exhibit 1. Testimony indicated that the requested variance is necessary for proposed Lot 1 due to the location of a proposed access road, identified as Cainewood Court

on Petitioner's Exhibit 1, between proposed Lots 2 and 3. Mr. Larson testified that Baltimore County required said access road be located directly across from Woodwind Road and as a result, the Petitioner was unable to situate two lots on the north side of the proposed access road. Testimony indicated the relief requested would allow the proposed dwelling for Lot 1 to be constructed in conformity with those structures already existing in this community. Various photographs were submitted into evidence depicting the houses already existing along South Hilltop Road across from the subject site. Said dwellings are spaced approximately 20 feet apart and are uniform in their setback and spacing. Mr. Larson testified that the Petitioner seeks only to maintain the current spacing and character of the surrounding community.

The Protestants testified that they are opposed to the Petitioner's request. They testified that because Baltimore County requires a 35-foot setback, the Petitioner should be held to abide by that standard. They further stated that there is no natural obstruction which requires a variance to be granted and that the necessity for the variance is self-created by the Petitioner.

It should be noted from looking at the site plan that the building envelope for proposed Lot 1 is substantially wider than that provided for Lots 2, 3 and 4. The building envelope for Lot 1 is approximately 49.86 feet in width whereas the building envelopes for Lots 2, 3 and 4 are approximately 40 feet in width each. Therefore, in order to maintain consistency in the proposed development, the building envelope for Lot 1 should be reduced to 40 feet in width. The Petitioner would then only need a setback variance of 19.86 feet as opposed to the 10 feet they requested. In the opinion of this Deputy Zoning Commissioner, a setback of

- 2-

19.86 feet from the tract boundary line will still enable the Petitioner to construct a dwelling on Lot 1 that will be consistent with those proposed for Lots 2, 3 and 4. Therefore, the relief requested shall be modified and a setback variance of 19.86 feet in lieu of the required 35 feet shall be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, as modified, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if a variance is not granted. However, a variance of 19.86 feet in lieu of the requested 10 feet shall be granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the re-

- 3-

quirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance granted will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested, as modified herein, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Aday of November, 1992 that the Petition for Zoning Variance requesting relief from Section 1801.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a windowed building face to tract boundary setback of 19.86 feet in lieu of the minimum required 35 feet for a proposed dwelling, in accordance with the revised site plan to be submitted, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any building permits, Petitioner shall submit a revised site plan incorporating the relief granted herein and the adjusted layout of the building envelope for Lot 1 of Cainewood.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

IMK:DJS

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

9000

November 9, 1992

Mr. Eugene Osborne, Sr. P.O. Box 423 Westminster, Maryland 21157

RE: PETITION FOR ZONING VARIANCE
E/S South Hilltop Road, 170' N of the c/l of Woodwind Road
(125 South Hilltop Road)
1st Election District - 1st Councilmanic District
Eugene Osborne, Sr. - Petitioner
Case No. 93-84-A

Dear Mr. Osborne:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

TIMOTHY M. MOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Milton R. Lang
202 S. Hilltop Road, Baltimore, Md. 21228

Mr. John E. Brady
108 Woodwind Road, Baltimore, Md. 21228

Mr. Rudolph Berg
116 Woodwind Road, Baltimore, Md. 21228

Mr. Joseph Larson 105 W. Chesapeake Avenue, Towson, Md. 21204 People's Counsel; Fixe hereto and made a part hereof, hereby petition for a Variance from Section(s)

(1971-Mar. 1992 Regulations)

1 BO. 1.2.B (V.B.5.a C.M.D.P.) Ato permit a building face to tract boundary setback of 10' in lieu of the minimum 35'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Conformance to the current regulations would require the property in question to be oversized and out of character with the general neighborhood

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

		I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:		Legal Owner(s):
NA		EUGENE OSBORNE SR
(Type or Print Name)		(Type or Burt Name)
Signature		Sylve Sugare Share
Address		(Type or Print Name)
City	State Zipcode	Signature
Altorney for Petitioner:		P O BOX 423 848-0861
(Type or Print Name)		WESTMINSTER MD 21157 Phone No.
Bigneture		City State Zipcode Name, Address and phone number of legal owner, contract purchaser or representative to be contacted. JOSEPH LARSON
Address	Phone No.	TO5 W CHESAPEAKE AVE
S an	State Zipcode	Address TOWSON MD 21204 Phone No. 823-3
		OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Unovaliable for Hearing
. ♠	•	the fellowing dates Head Two Months
A		MEMENED BY: US DATE 9/3/92



SUITE 109 — JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON. MARYLAND 21204 TEL 823-3535 FAX 825-5215 JOSEPH L LARSON ERIC D. FRANY

DESCRIPTION FOR A VARIANCE TO ZONING, OSBORNE PROPERTY,

SOUTH HILLTOP ROAD, SOUTH OF FREDERICK ROAD,

FIRST DISTRICT, BALTIMORE COUNTY, MARYLAND

For proposed Lot # 1 variance Page

Beginning for the same at a point on the northeast side of South Hilltop Road, 50 feet wide, at the distance of 170 feet, more or less, measured northwesterly along the northeast side of South Hilltop Road from the centerline of Woodwind Road and running thence North 77 Degrees 28 Minutes 25 Seconds East 110 feet South 12 Degrees 31 Minutes 35 Seconds East 329.86 feet and South 77 Degrees 28 Minutes 25 Seconds West 110 feet to the northeast side of South Hilltop Road herein referred to and running thence and binding on the northeast side of South Hilltop Road North 12 Degrees 31 Minutes 35 Seconds West 329.86 feet to the place of beginning.

Containing 0.83 acres of land, more or less. 08/31/92

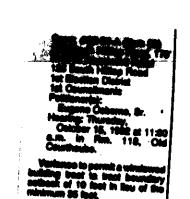


RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN # LAND SURVEYING LAND PLANNING # SUBDIVISION LAYOUT # FEASIBILITY STUDIES # ESTIMATING GRADING STUDIES # LOCATION SURVEYS # TECHNICAL CONSULTATION

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NTY 93-84-A

9/15/92
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Date of Posting 9/15/92 5 21 125 170' N/UWdwind R
property of Patitions



CERTIFICATE OF PUBLICATION

TOWSON, MD., 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on

THE JEFFERSONIAN,

5. Zehe Orlina Publisher

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PRINCE HEALTH, 145

receipt

Account: R-001-6150

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> > Account: R-001-6150

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Zoning Administration & Development Makagement osi oliesu, weke Avenue ---- Maryland 21204

10-15,92 Learning

HEARING FEES

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Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this

3rd day of September, 1992

Zoning Plans Advisory Committee

Petitioner: Eugene Osborne, Sr. Petitioner's Attorney:

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Bagane Onbarne, Sr. P. O. Box 423 Westminstor, Maryland 21157

DETE: 10.6.92

CASE NUMBER: 93-84-1 E/S South Hilltop Road, 170' H of c/l Woodwind Hoad 125 South Milltop Road 1st Election District - 1st Councilsonic Petitioner(s): Eugene Osborne, Sr. HEARING: THURSDAY, OCTOBER 15, 1992 at 11:00 a.m. in Rm. 118, Old Courthouse

Dear Petitioner(s):

Please be advised that \$ 62.62 is due for advertising and posting of the above captioned

THIS PER MINST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE CEDER SHALL NOT ISSUE, DO NOT REMOVE THE SIGH & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return sail to the Zoning Office, County Office Building, 111 W. Chesspeaks Avenue, Room 109, Towers, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Haryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

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DPW/Developers Engineering Division (Public Services) 09/21/92

Waiver Number File Number Zoning Issue Meeting Date Stonegate at Patapsco (Azreal Property) ZON DED TE (Waiting for developer to submit plans first)

Meadow Parks Limited Partnership DED DEPRM RP STP TE / Eugene Osborne, Sr. ******************* Barry L. And Wilma J. Alderson Edwin J. and Delores R. Thomas DED DEPRM RP STP TE Stanley R. And Kathy L. Schall Claude N. and Gee Gee Z. Pfeffer

COUNT 6 Terry A. and Joan K. Greenwood 9/8/92 NC

COUNT 1 COUNT 8

*** END OF REPORT ***

DED DEPRM RP STP TE (omitted in error)

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

SEPTEMBER 14, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public bearing on the property identified herein in Boom 106 of the County Office Building, 111 W. Chesspeaks Evenue in Touron, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Haryland 21204 as follows:

CASE NUMBER: 93-84-1 E/S South Hilltop Road, 170' M of c/l Woodwind Road 125 South Hilltop Road 1st Election District - 1st Councilmanic Petitioner(s): Eugene Osborne, Sr.

HEARING: THURSDAY, OCTOBER 15, 1992 at 11:00 a.m. in Rm. 118, Old Courthouse

Variance to permit a windowed building tract to tract boundary setback of 10 feet in lieu of the minimum

MOTE: HEARINGS ARE HAMDICAPPED ACCESSIBLE: FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

> Mr. Eugene Osborne, Sr. P. O. Box 423 Westminster, MD 21157

> > RE: Item No. 85, Case No. 93-84-A Petitioner: Eugene Osborne, Sr. Petition for Variance

(410) 887-3353

Baltimore County Government
Office of Zoning Administration

October 6, 1992

and Development Management
Office of Planning & Zoning

Dear Mr. Osborne:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Hal Kassoff

County Office Building 111 W. Chesapeake Avenue

Dear Ms. Winiarski:

Towson, Maryland 21204

Ms. Julie Winiarski

Room 109

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact David Ramsey at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: September 22, 1992 Zoning Administration and Development Management

Ervin Mc Daniel, Chief Office of Planning and Zoning Development Review Section

Petitions from Zoning Advisory Committee September 14, 1992

The Office of Planning and Zoning has no comments on the following petition: Eugene Osborne Sr., Item No. 85

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Trances Michael

Division Chief: Ermin McDannel

EMcD/FM: rdn

ITEM85.ZAC/ZACI Rec'd pou 9/29/92

09/21/92 Development Review Committee Response Form,
Authorized signature Willing K. Date 9/2/192 Meeting Date File Number Stonegate at Patapsco (Azreal Property) TE (Waiting for developer to submit plans first) 8/14/92 Eugene Osborne. Sr. DED DEPRM RP STP TE DED DEPRM RP STP TE Edwin J. and Delores R. Thomas DED DEPRM RP STP TE Stanley R. And Kathy L. Schall DED DEPRM RP STP TE Claude N. and Gee Gee Z. Pfeffer DED DEPRM RP STP TE COUNT 6 Terry A. and Joan K. Greenwood DED DEPRM RP STP TE (omitted in error) COUNT 1 FINAL TOTALS COUNT B *** END OF REPORT ***

Department of Environmental Protection & Resource Management Development Review Committee Response Form Authorized signature File Number Waiver Number Zoning Issue Meeting Date Michael And Patricia A. Perholtz DEPRM COUNT Adela M. Lombardi And Florence Kunsky 8-24-92 mprocess Helaine G. And Melvin R. Trosch Writtenconnents Baltimore Country Club of Baltimore City Michael E. Turley With connects Morocess COUNT 5 Arthur Thomas Ward, III 8-3-92 in process COUNT 1 Meadow Parks Limited Partnership MAPROCESI Eugene Osborne, Sr. Stanley R. And Kathy L. Schall

Department of Recreation and Parks Development Review Committee Response for Date 9/2/92 Project Name File Number Waiver Number Zoning Issue Meeting Date Meadow Parks Limited Partnership 8/14/92 ED DEFAIL AF SIF IE Eugene Osborne, Sr. DED DEPRM RP STP TE Barry L. And Wilma J. Alderson D DEPRM RP STP TE Edwin J. and Delores R. Thomas ED DEPRM RP STP TE Stanley R. And Kathy L. Schall ED DEPRM RP STP TE Claude N. and Gee Gee Z. Pfeffer DED DEPRM RP STP TE Terry A. and Joan K. Greenwood .DED DEPRM RP STP TE (omitted in error) COUNT 1 FINAL TOTALS COUNT 7 * * * END OF REPORT * * *

93-84-A 10-15

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21204-5500 OCTOBER 13, 1992

(410) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: EUGENE OSBORNE, SR.

> Location: #125 SOUTH HILLTOP ROAD

Item No.: 85 (LJG) Zoning Agenda: SEPTEMBER 14, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

JP/KEK

DEGRIVE WERNER G. SCHOELER 111 WOODWIND ROAD BALTIMORE, MD. 70NING COMMISSIONER October 8, 1992

Hon. Larry Schmidt, Zoning Commissioner 400 Washington Ave., Room 113 Towson. Maryland 21204

> Re: Case No. 93-84-A Hearing scheduled for 10/15/92 at 11:00 o'clock

Dear Sir: I will be out of town all of next week and as such will be unable to attend the scheduled hearing. Accordingly, I ask that you accept this letter in my stead. I would like to protest the granting of the

requested zoning for three reasons, to wit: 1.- The requested change would allow more houses to be built, causing further overcrowding of our schools. especially the elementary school and and increase in traffic on Hillside Road and other streets. 2,- Crowding of the houses, as requested would tend to adversley effect property values in the neighborhood.

3.-There is a herd (at least seven) of deer living on the property which would be adversly affected.

Thank you for considering the contents of this letter as if I were present.

Respectfully yours

Werner G. Schoeler 111 Woodwind Rd.

ZONING OFFICE

John H. Moye, Jr., MD 1810 Frederick Road Catonsville, MD 21228-5503

TEGELVEL (301) 719-0689 October 8, 1992 Lawrence E. Schmidt Zoning Commissioner 111 West Chesapeake Avenue, Room 109 Towson, MD 21204

Re: Case #93-84-A Hilltop Road, Catonsville

I am writing as a Catonsville resident and homeowner likely to be affected on a daily basis by your disposition of the case noted above.

I am unable to attend the 10/15/92 scheduled hearing for this case, and request that you consider my remarks as part of the record for the hearing.

I would like to express my strenuous opposition to further development of the property surrounding the Patapsco State Park in general and most specifically to the granting of variances that ease or waive existing controls on development of such property.

Overdevelopment of the surrounding area and overuse of the park land has had already a substantial negative impact on park habitat and wildlife that is readily apparent even to the casual observer. Illegal dumping, trash disposal, soil erosion with sediment run-off, and pollution of water in the feeder tributaries and main branch of the Patapsco River affect park areas that are adjacent or nearby the property for which the variance is sought. It is my considered opinion that further development, especially development that is poorly controlled, can only promote such deterioration. While some individuals might view themselves as short term winners if a variance were to be granted, we are all long term losers if continuing overdevelopment results in deterioration of irreplaceable park land.

Thank you for the opportunity to provide these comments. Please consider them in your decision and please reject any proposed variance that will contribute to overdevelopment of property surrounding the Patapsco State Park.

Sincerely,

Dear Commissioner Schmidt:

cc: Rick Barton, Director Maryland Department of Natural Resources State Forest and Park Services Tawes State Office Building, E3 Annapolis, MD 21401



Milton R. Lang 202 South Hilltop Road Baltimore, Maryland 21228 October 19,1992

Mr. Timothy M. Kotroco Deputy Zoning Commissioner Baltimore County Zoning Commission 400 Washington Avenue Room 113 Towson, Maryland 21204

Re: Case No. 93-84-A

Dear Mr. Katroko

On Thursday October 15, 1992 during the zoning hearing conducted by you (reference case number 93-84-A) an error was made in the testimony of the petitioner Mr. Larson. In response to your question regarding the setback allocation of the properties for the original site plans and road location Mr. Larson stated "that the original plans and the road location did not require any zoning variances, and that the current variance was not self imposed but caused by the county requirement to move the road to its the current proposed location, thus causing the site planners to require a variance". This statement is incorrect as shown on the attached portion of the original site plan dated 3/4/91 number 89053. Lot number 1 was situated ten (10) feet from the adjacent tract and moving the road did not change the setback

ZONING COMMISSIONE

I hope this information helps you in making a fair and just determination. If you have any questions please call me at 765-9398 or 747-7162.

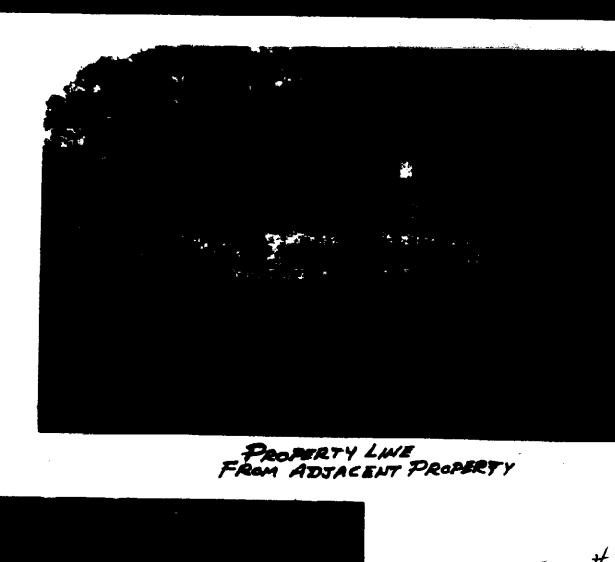
	NAME
	MILTON R. LAL
	/

MILTON R. LANK JOHN F. BKADY Rudolph Beng	ADDRESS ZOZ S. HILLTER RD. 2122 108 MENDINING RD. 2122 116 Woodwind Rd. 2122		

PROTESTANT (S) SIGN-IN SHEET

Sincerely,

NAME	ADDRESS
1900 LARSON 1900 K. CSDEWNO ST 1900 G. Dalome	3000 Old Tangetown Pd. Whatmosfer 3
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■ Prot TX #1 PROPERTY LINE FROM ROAD. ZONING NOTICE 93-84-A See Market Control

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PETITION

WE THE UNDERSIGNED, STRONGLY OPPOSE THE ZONING VARIANCE FOR THE "CAINWOOD"

COMMUNITY FORMERLY KNOWN AS THE OSBORNE PROPERTY, LOCATED ON SOUTH HILLTOP

COMMUNITY FORMERLY KNOWN AS THE OSBORNE PROPERTY, LOCATED ON SOUTH HILLTOP RD. IN CATONSVILLE, MARYLAND 21228. THE OPOSITION IS BASED ON THE ZONING LAW WHICH REQUIRES A 35 FOOT SETBACK FROM ADJOINING PROPERTY LINES. 109 Woodwind Rd Ray Cooper 1803 Rogional De Bolo Knucken 100 unopartud Rd MARIE B. CARP 103 Woodwind 107 Woodrow RD. Theo. (and 103 Woodw. rid Rd Valling B. Binne 107 Woodyn Ris 2 Jacob 1904 Logonie es. Penny House 10 Woodwind Rd Hocker 112 5. HILLTOP RD Ruddel Berg 116 Woodwind Rd St. Locher 112 5. Hierton Rd Eva Jean Reng 116 Woodwind Rd. D. Winest wo s. Mity Rd Inguid Schools III Woodward Ad. Anta Mitzel 208 Rollingbrook Way Neth Tourson 112 Wordward Rd. Suy Eucla 1/2 Worthord Rd. La William Birens 107 Woodwind Pel Slawn Byrane 107 Woodwind Rd Buth Brack 108 Wordwind Re Chenyl Mayland 166 Woodward Rd Karen Krudera 104 Woodwind Rd. Walter Roe 102 woodwind Red Joan ROE 102 Woodwind Rd De Herrick 1907 Logwind Rd.

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B. Lyman 1910 Logwind fel.

1906 Logwind Rd.

WE THE UNDERSIGNED, STRONGLY OPPOSE THE ZONING VARIANCE FOR THE "CAINWOOD"

WE THE UNDERSIGNED, STRONGLY OPPOSE THE ZONING VARIANCE FOR THE "CAINWOOD" COMMUNITY FORMERLY KNOWN AS THE OSBORNE PROPERTY, LOCATED ON SOUTH HILLTOP RD. IN CATONSVILLE, MARYLAND 21228. THE OPOSITION IS BASED ON THE ZONING

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Zoning Commissioner Baltimore County Towson, Maryland

October 15, 1992 Zoning Notice 93-84-A

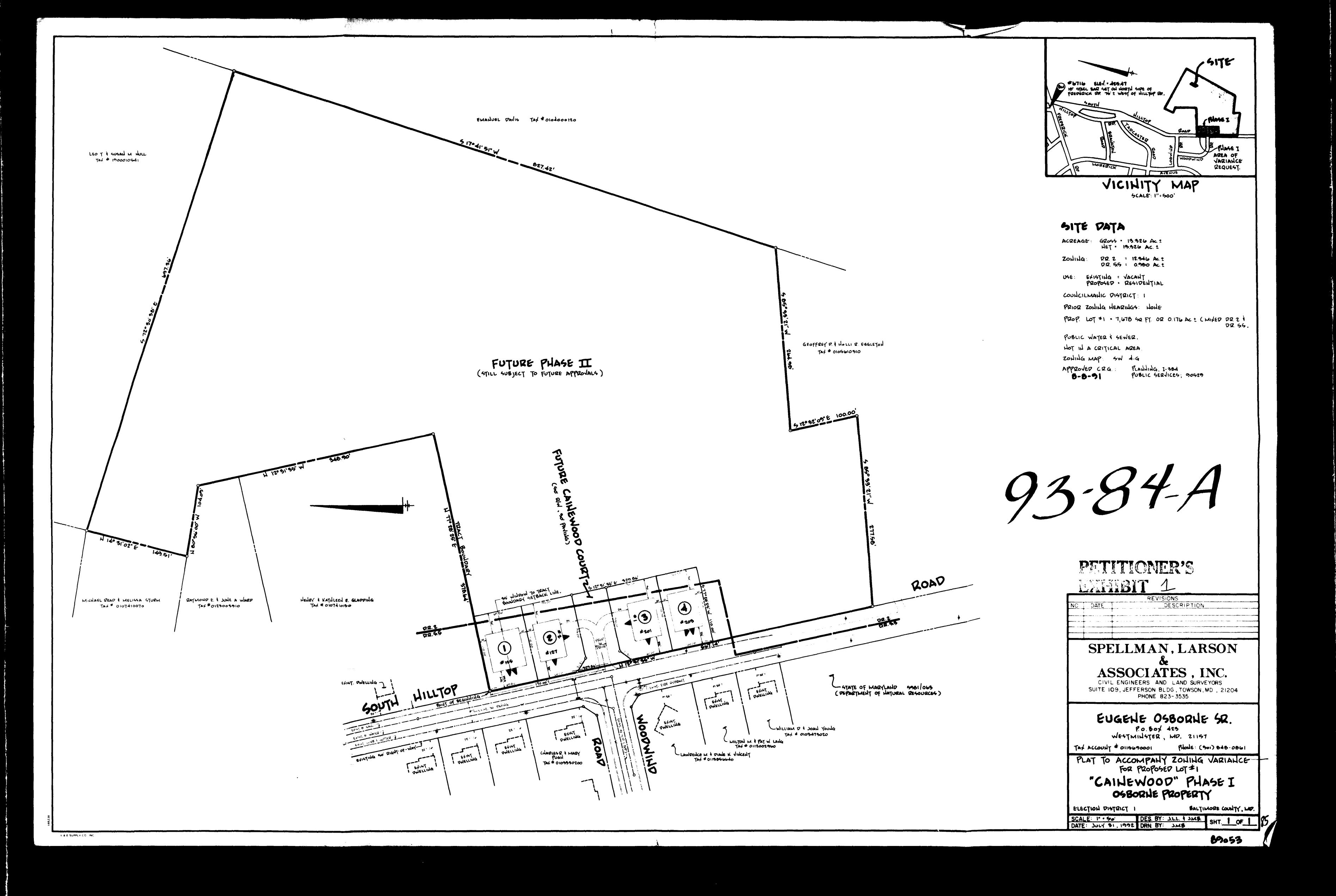
On behalf of the communities of Woodwind and Rollingwood I enter this formal protest against the request for a zoning variance on the property known as Cainwood formerly the Osborne Property. This objection is based on the zoning law which requires that a thirty five (35) foot setback be maintained from tract to tract and dwellings on adjacent property lines. The 35 foot requirement provides a significant buffer between a development tract and the adjacent tract property. If a ten (10) foot buffer is allowed future development of adjacent tracts/properties would be adversely impacted. The community does not believe that a practical hardship would be caused by the developer abiding by the existing zoning law. If the developer claims that such a hardship does exist, it is self imposed. The communities of Woodwind and Rollingwood are low density residential areas and I submit that the area zoning maps are evidence of the low density nature of the communities. The most reasonable approach is to keep the pattern of development consistent with the existing communities as it now exists. The change in variance is not appropriate in light of the potential future development of the adjoining properties and the precedence which this variance would set. I am submitting two photographs of the property line in question and a petition signed by a members of the community opposing this change. The photographs point out that a 35 foot buffer of established trees is more in keeping with the existing community and does not impose any hardship.

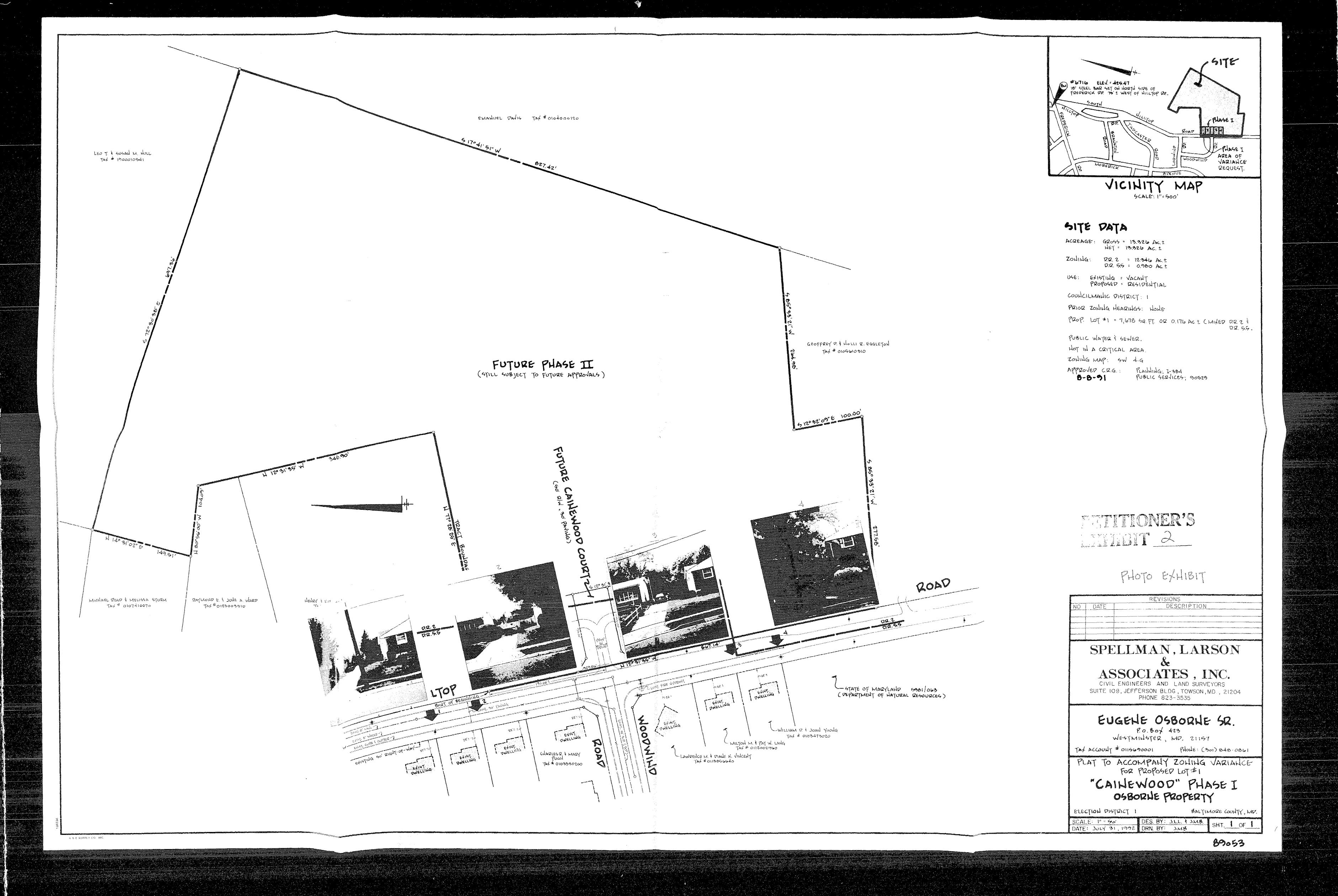
The community of approximately 150 homes which I represent strongly urges the zoning board to adhere to the rules and laws in place and deny this request.

Sincerely, 202 S. Hilltop Rd.

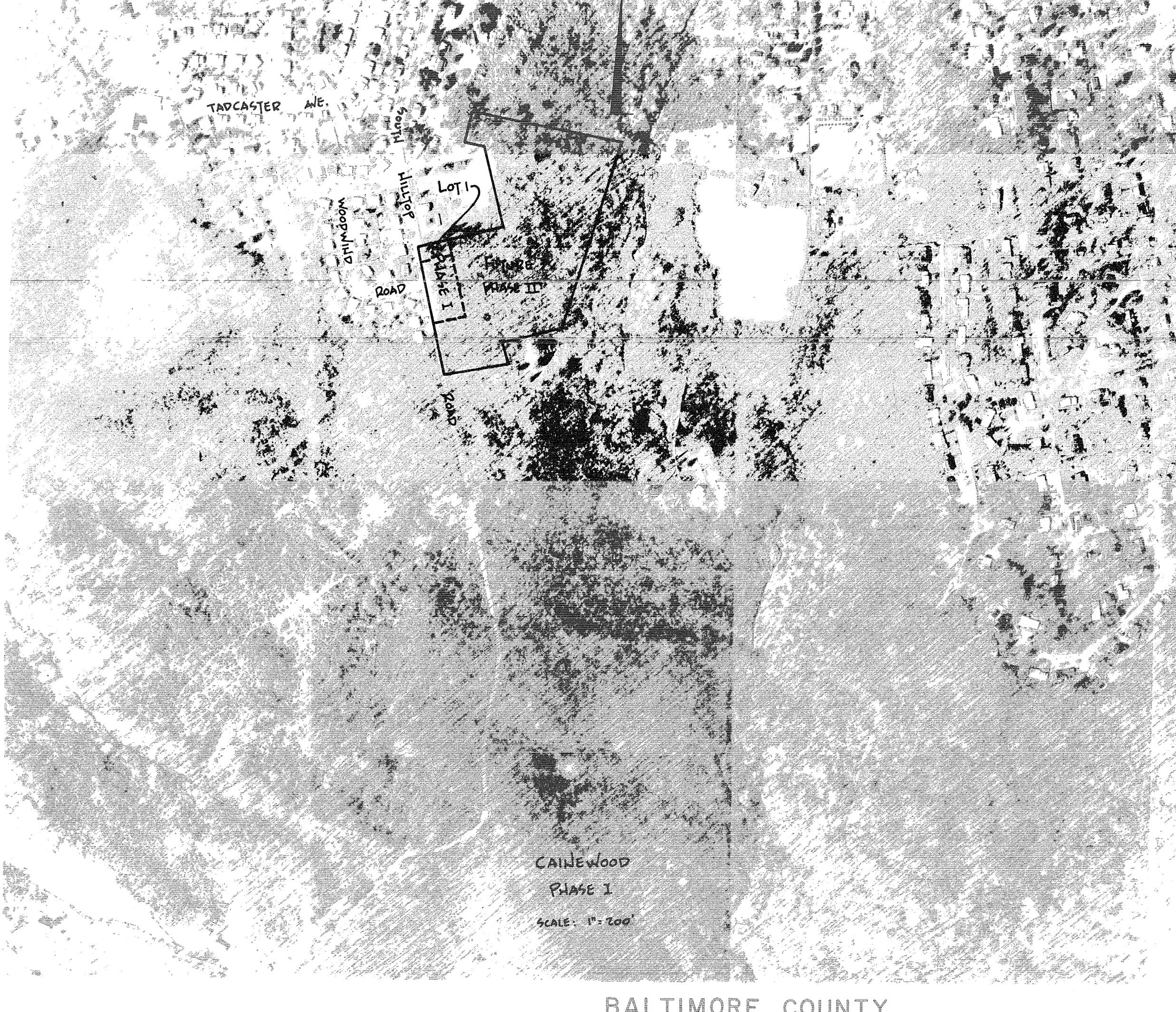
Baltimore, Maryland 21228

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BALTINORE COUNTY
OFFICE OF PLANNING AND ZONNIG
PHOTOGRAPHIC WAP

PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401

X7

SCALE

" = 200' ±

PHOTOGRAPHY

JANUARY 1986 CATONSVILLE